

21 C.J.S. Courts § 16

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Courts

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II. Jurisdiction of Courts

B. Source, Derivation, and Assumption of Courts' Jurisdiction

§ 16. Enlargement or expansion of courts' jurisdiction beyond grant of jurisdiction

Topic Summary | References | Correlation Table

West's Key Number Digest

West's Key Number Digest, Courts  1

The jurisdiction of the courts, as vested or conferred by law, whether constitutional or statutory, cannot be enlarged beyond the grant.

The jurisdiction of the courts, as vested or conferred by law, whether constitutional or statutory,¹ is limited to that provided by the source of jurisdiction and is limited by the source of the grant of jurisdiction.² A court cannot expand its jurisdiction beyond the statutory³ or constitutional grant,⁴ and a constitutional grant of jurisdiction is not subject to expansion by statute or court rule.⁵ The courts' jurisdiction, as conferred by law, cannot be enlarged by the parties.⁶

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Footnotes

1 § 15.

2 § 17.

3 N.Y.—*Sellers ex rel. Village of Cobleskill v. Lapietra*, 23 Misc. 3d 368, 871 N.Y.S.2d 877 (Sup 2009).

4 Ohio—State v. Noling, 136 Ohio St. 3d 163, 2013-Ohio-1764, 992 N.E.2d 1095 (2013).

5 Ohio—State v. Noling, 136 Ohio St. 3d 163, 2013-Ohio-1764, 992 N.E.2d 1095 (2013).

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Cal.—[In re Marriage of Jensen](#), 114 Cal. App. 4th 587, 7 Cal. Rptr. 3d 701 (4th Dist. 2003).

As to jurisdiction by the parties' consent, agreement, waiver, or estoppel, generally, see §§ [71](#) to [74](#).

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